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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Comments of the International Labour Office

1. The International Labour Office has continued during the last year its work for the elimination of discrimination in employment and occupation on a number of grounds, including those of race, colour and national origin. This is based on the ILO Constitution as well as on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and other ILO standards and instruments. The following recent information can be provided to supplement that submitted to earlier sessions of the Commission.

2. Ratification and application of Convention No. 111. This instrument is considered one of the eight fundamental Conventions of the International Labour Organization. As such, it has been among the targets of the ratification campaign instituted by the Director-General in 1995, following the World Summit for Social Development, and a number of new ratifications have been received pursuant to that campaign. Convention No. 111 had been ratified by 140 countries as of the beginning of 2000, an increase of 9 over the last year, and other ratifications are expected shortly.

3. The ILO has also continued its supervisory activities related to this Convention, as with all the others for which it is responsible. A number of reports from ratifying countries were examined by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1999, and the comments it has made are contained in its annual report published in March 2000. Many of these comments concerned discrimination on the basis of race and/or national origin.

4. The International Labour Office continues also to provide technical assistance and advisory services to member States which wish to ratify this Convention or to apply it more fully. It has, for instance, provided advice during the last year, in the form of national seminars, to Brazil, China and Estonia, among others, and in the coming months will do so in a subregional seminar in East Africa as well as in other countries. A technical cooperation project to establish an affirmative action policy and implementing mechanism, covering race among other criteria, has been completed in Namibia in recent months, and other such activities are under way.

5. The ILO Declaration of Fundamental Rights and Principles at Work and its Follow-up. In June 1998, the International Labour Conference adopted the Declaration, which recognizes an obligation on the part of member States, "arising from the very fact of their membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles containing the fundamental rights which are the subject of" the fundamental Conventions adopted by the ILO - including Convention No. 111. One of the four principles concerned is "the elimination of discrimination in respect of employment and occupation", which covers grounds including race. The Declaration recognizes a corresponding obligation on the part of the ILO to assist Members in doing so.

6. The measures for the follow-up to the Declaration are now being implemented, and they include two main components. Annual reports are required to be submitted by member States of the ILO on the principles and rights covered by any of the Conventions not yet ratified, and these will be examined annually by the Governing Body for the first time at its March 2000 session. This examination will include reports this year from the 34 ILO member States which have not yet ratified Convention No. 111.

7. The second part of the follow-up is that the Director-General will prepare a global report each year on one of the four areas covered by the Declaration, taking each in turn, which will be discussed at the annual International Labour Conference. The discussion of the global report will be followed up by the Governing Body in order to draw conclusions concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period. Thus, a global report on discrimination - including racial discrimination - will be discussed in the Conference in 2003.

8. Migrant workers. Special attention is given in the discussions in the Commission on Human Rights on this subject to the situation of migrant workers and of discrimination against them. ILO has a considerable programme of activities for these workers, and has been taking part in the deliberations in the United Nations on this subject. The ILO Committee of Experts on the Application of Conventions and Recommendations concluded a general survey under article 19 of its Constitution on migrant workers (published in March 1999 and discussed in the International Labour Conference in June 1999), partly in order to review the ILO Conventions on this subject. This survey recommended that the ILO conventions on this subject be revised, in the light of the low number of ratifications of the ILO instruments and of the United Nations Convention on the same subject. The Governing Body will decide in March 2000 whether to include on the agenda of the International Labour Conference in 2002 a general discussion on the subject of migrant workers, including the possibility of revising the ILO instruments.

9. The ILO is also planning meetings on this subject which are relevant to the concerns of the Commission relating to racial discrimination. From 8 to 11 March 2000 an interregional seminar on "Achieving equality for migrant and minority workers", covering 14 countries in Europe and North America, will be held in Geneva. A regional meeting will also be organized in Asia on good practices as concerns migrant workers, during the first half of 2000. These will be supplemented by other events in the course of the 2000-2001 biennium.

10. Indigenous and tribal peoples. The ILO is responsible for the only two international conventions relating directly to these peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the earlier Convention No. 107. Much of the supervisory work carried out by ILO on them relates to the effects of racial discrimination, or exclusion from the same opportunities for development as experienced by the rest of the national population. ILO's work in this area, taking Convention No. 169 as a basis, is to provide equality of opportunity and treatment in all spheres of life, while not sacrificing the ability of these peoples to retain their own ways of life, cultures, etc.

11. It is worth noting that a number of representations have been filed in recent years on the application of Convention No. 169, for the first time. Representations are forms of complaint provided for in the ILO Constitution for allegations that ratified Conventions are not being fulfilled. While it is difficult to characterize the problems raised in these representations on too general a basis, they tend to indicate a lack of effective involvement of these peoples in decisions taken at the national level which affect them, in relation particularly to land rights and development issues.

12. In addition to its supervisory work, ILO carries out a good deal of technical assistance for the benefit of indigenous and tribal peoples around the world. Much of this assistance is carried out as a form of regular budget technical cooperation, and much is financed by contributions from the Danish International Development Agency (DANIDA) for two projects. One concerns cooperative forms of economic organization, and the other covers the promotion of ILO Convention No. 169. Traditionally, most ILO work on this subject has been carried out in Latin America, but in recent years it has expended into both Africa and Asia.

13. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. As indicated earlier, ILO looks forward to working with the Office of the High Commissioner for Human Rights to prepare this conference. The objectives proclaimed for it are directly in line with those of ILO, and ILO's activities in this area are complementary to those of the United Nations.